

MERZ
Appl. No. 10/574,830
December 4, 2008

AMENDMENTS TO THE DRAWINGS

In response to the Examiner's request, attached are replacement sheets for Figures 2-5.

No new matter has been added.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 1-9 and 11-12 are pending in the application. Favorable consideration is requested.

In response to the Examiner's request for replacement drawings, attached are replacement sheets that show clearer pictures. Applicant submits that these pictures meet the USPTO requirements; although, the USPTO scanning capabilities may distort the figures once again. If this is the case, please contact the undersigned, and he will submit additional photographs to the Examiner by email or other means.

The claims have been amended to place them in more conventional U.S. patent claim format, and the amendments are supported by the original claims and the drawings (in conjunction with the corresponding parts of the specification). No new matter has been added.

Claims 1-3 and 8 stand rejected as allegedly being anticipated by Petronio (U.S. Patent 5,127,213). Applicant respectfully traverses the rejection for at least the following reasons.

The applicant's claims are directed to a gaiter. In contrast, Petronio does not disclose any gaiter. As known to those of skill in the art, a gaiter is an element covering a part of a leg, not another part of the body. Petronio simply discloses a blanket, not a gaiter. Thus, the blanket disclosure in Petronio, which covers a back, does not disclose the claimed gaiter. As a result, the claims are not anticipated by the Petronio disclosure.

Claims 4-7, 9, 11 and 12 stand rejected as allegedly being anticipated by Kaski (U.S. Patent 4,974,398). Applicant respectfully traverses this rejection for at least the following reasons.

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In the applicant's claimed invention, the claimed weight is in the upper part of the device and it is disposed in such a way for location above a hock, i.e., "the gaiter is realized in such a way that the weight is disposed in the upper part of the gaiter and the weight is disposed for location above a hock." In contrast, Kaski discloses a weight in the middle part of its device, not in the upper part of the device as claimed, and Kaski's weight is not disposed for location above a hock. Thus, Kaski does not anticipate the claimed invention.

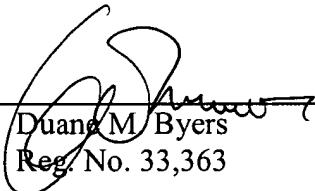
In view of the foregoing amendments and remarks, and the attached replacement sheets, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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